

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

JOHN PARISE, et al.,

Plaintiffs,

v.

ALEX E. SUAREZ, et al.,

Defendants.

HONORABLE JEROME B. SIMANDLE

Civil Action No.
17-6936 (JBS-JS)

ORDER FOR
DEFAULT JUDGMENT

Upon consideration of the Complaint and Plaintiffs John Parise, Michael Parise, and Cooper Beech Financial Group, LLC's motion for default judgment [Docket Item 12]; it appearing to the Court that all Defendants were served personally or by registered agents on various dates: Alex E. Suarez, Family Office Partners, Inc., Family Office Partners, LLC, and The Merchant Bankers Club II, LLC on September 26, 2017 [Docket Item 4]; Defendant Private Borrowers Club II, LLC on September 18, 2017 [Docket Item 5]; and Defendant Merchantbanquiers Club, Inc. on October 3, 2017 [Docket Item 6], respectively, and each have knowingly and willfully failed to appear, plead, or otherwise defend; Default having been entered against said Defendants; the Court having considered Plaintiffs' submissions and testimony at a proof hearing conducted on October 23, 2018 [Docket Item 22]; for reasons stated in the Court's Memorandum of today's date; and for good cause shown;

IT IS this 19th day of December, 2018 hereby

ORDERED that Plaintiffs' motion for default judgment [Docket Item 12] shall be, and hereby is, **GRANTED IN PART** and **DISMISSED WITHOUT PREJUDICE IN PART**; and it is further

ORDERED that Plaintiffs' motion, insofar as they seek \$6,500.00 for commissions allegedly owed to them [Docket Item 1 at ¶ 33], shall be, and hereby is, **DISMISSED WITHOUT PREJUDICE** to Plaintiffs pursuing these claims in arbitration in Georgia;

ORDERED that Plaintiffs' motion, insofar as they seek damages for fraud in the inducement in connection with Count One of the Complaint, shall be, and hereby is, **GRANTED**; and it is further

ORDERED that Judgment is entered in favor of Plaintiffs John Parise, Michael Parise, and Cooper Beech Financial Group, LLC, jointly, and against Defendants Alex E. Suarez, Family Office Partners, Inc., Family Office Partners, LLC, Merchantbankiers Club, Inc., and Private Borrowers Club II, LLC, jointly and severally, in the amount of Three Hundred Thousand Dollars (**\$300,000.00**), which includes fraud damages with regards to Count One of the Complaint and double damages to which Plaintiffs are entitled under Georgia law; and it is further

ORDERED that Plaintiffs' request for attorneys' fees and costs shall be, and hereby is, **GRANTED**; and it is further

ORDERED that Plaintiffs may apply for attorneys' fees and costs within **fourteen (14) days** of entry of this Order and file a

brief outlining the legal basis for Plaintiffs' recovery of attorneys' fees; any motion for attorneys' fees must include an affidavit of costs and fees in the format required by Local Civil Rules 54.2(a) & (b); and it is further

ORDERED that Plaintiffs' requests for default judgment with respect to Counts Two, Three, and Four of the Complaint shall be, and hereby are, **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED that if Defendants fail to comply with any of the terms of this Order, Plaintiffs may, in addition to pursuing the remedies provided under Federal Rule of Civil Procedure 69, reopen this case upon motion to this Court and notice to Defendants, and may at that time ask for further appropriate monetary and/or injunctive relief, including a motion for contempt of court; and it is further

ORDERED that this Order and Judgment is enforceable, without duplication, by one or more of the Plaintiffs, jointly and severally, or their agents; and it is further

ORDERED that Plaintiffs shall promptly cause a copy of this Judgment to be served upon Defendants Alex E. Suarez, Family Office Partners, Inc., Family Office Partners, LLC, The Merchant Bankers Club II, LLC, Private Borrowers Club II, LLC, and Merchantbanquiers Club, Inc., and shall file a certificate of such service upon this docket; and it is further

ORDERED that the Clerk of Court, after entry of the Judgment herein, shall **CLOSE** this case upon the docket. The Court maintains jurisdiction over the enforcement of this Order and Judgment.

s/ Jerome B. Simandle
JEROME B. SIMANDLE
U.S. District Judge